

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH, State Bar No. 84287
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 445-0378
6 Facsimile: (916) 327-8643
7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

13 **SHANNON LEIGH DAUGHERTY**
aka **SHANNON LEIGH WILKINSON**
14 aka **SHANNON LEIGH KOBALTER**
440 Crocker Avenue
15 Pacific Grove, California 93950
16 Registered Nurse License No. 439448

17 Respondent.

Case No. 2009-322

A C C U S A T I O N

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19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 2. On or about September 19, 1989, the Board issued Registered Nurse
25 License Number 439448 to Shannon Leigh Daugherty, also known as Shannon Leigh Wilkinson,
26 and also known as Shannon Leigh Kobalter ("Respondent"). The license expired on
27 December 31, 2006, and has not been renewed.

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1 (b) Use any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
3 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
4 injurious to himself or herself, any other person, or the public or to the extent that such use
5 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
6 license.

7 (c) Be convicted of a criminal offense involving the prescription, consumption, or
8 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
9 or the possession of, or falsification of a record pertaining to, the substances described in
10 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
11 thereof.”

12 8. Code section 4060 states, in pertinent part, that no person shall possess any
13 controlled substance, except that furnished to a person upon the prescription of a physician,
14 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

15 COST RECOVERY

16 9. Code section 125.3 provides, in pertinent part, that the Board may request
17 the administrative law judge to direct a licentiate found to have committed a violation or
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
19 and enforcement of the case.

20 DRUGS

21 10. Phendimetrazine (“Bontril”) is a compound consisting of 35 mg. of
22 phendimetrazine tartrate, a Schedule III controlled substance as designated by Health and Safety
23 Code section 11056(b)(6).

24 11. Vicodin is a compound consisting of 5 mg. hydrocodone bitartrate, also
25 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and
26 Safety Code section 11056(e)(4), and 500 mg. acetaminophen per tablet.

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12. Soma, a brand of Carisoprodol, is a dangerous drug within the meaning of Business and Professions Code section 4022 in that it requires a prescription under federal law.

BACKGROUND INFORMATION

13. In or about November 2004, Respondent entered the Board's Diversion Program. While in the Diversion Program, Respondent was afflicted with a number of physical ailments that predicated her need to take pain medications. Due to the Diversion Program's "zero tolerance" drug policy which prohibited Respondent from taking prescription pain medications, Respondent was dropped from the Diversion Program in or about January 2006.

14. During the Board's investigation, Respondent admitted to abusing prescription medications. Furthermore, Respondent also admitted to having an alcohol addiction since 1989.

FIRST CAUSE FOR DISCIPLINE

(Obtained, Possessed, and Self Administered a Controlled Substance)

12. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct, as defined in Code section 2762(a), in that on or about November 17, 2004, while employed as a registered nurse at Barton Memorial Hospital, located in South Lake Tahoe, California, Respondent did the following:

a. Obtained Bontril, a controlled substance, by fraud, deceit, misrepresentation or subterfuge or by the concealment of a material fact, in violation of Health and Safety Code section 11173(a), by purchasing Bontril on the Internet for her own personal use.

b. Possessed Bontril, a controlled substance, in violation of Code section 4060, in that Respondent did not have a prescription for that controlled substance.

c. Self-administered Bontril, a controlled substance, without direction to do so from a licensed physician and surgeon, dentist or podiatrist.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 18. Respondent is subject to discipline under Code section 2761(a), on the
4 grounds of unprofessional conduct, as defined in Code section 2762(b), in that on or about
5 October 2, 2005, Respondent used an alcoholic beverage to an extent or in a manner dangerous
6 or injurious to herself and the public when she operated a vehicle while having 0.08 percent and
7 more, by weight, of alcohol in her blood, as more particularly set forth above in paragraph 16.

8 **PRAYER**


9 **WHEREFORE**, Complainant requests that a hearing be held on the matters
10 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 439448, issued
12 to Shannon Leigh Daugherty, also known as Shannon Leigh Wilkinson, and also known as
13 Shannon Leigh Kobalter;

14 2. Ordering Shannon Leigh Daugherty, also known as Shannon Leigh
15 Wilkinson, and also known as Shannon Leigh Kobalter to pay the Board of Registered Nursing
16 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3; and,

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 6/17/09

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21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant

27 SA2008300783

28 Accusation (kdg) 4/6/09